# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 2455 of 2005

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKIL KURESHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**KAPILABEN HIRALAL SHAH - Petitioner(s)**

**Versus**

**STATE OF GUJARAT & 3 - Respondent(s)**

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**Appearance :**

MR BK OZA for Petitioner(s) : 1,
MS RITA CHANDARANA, AGP, for Respondent(s) : 1 - 4.

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**CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI**

**Date : 03/03/2006**

**ORAL JUDGMENT**

1.Rule. Ms.Rita Chandarana, learned AGP waives service of notice of rule on behalf of the respondents. At the joint request of the learned advocates appearing for the parties, the petition is taken up for final

disposal today.

2. The petitioner is a retired Government servant having retired with effect from 31st August, 2003. The petitioner retired as a Resident Medical Officer Class-I. It is the case of the petitioner that days before her retirement she was served with chargesheets due to which finalisation of her post retiral benefits has been held up. The petitioner has, therefore, filed the present petition and prayed for release of full pension including commuted value of pension, gratuity and other such post retiral benefits.

3. In response to the notice issued by this Court, the respondents have appeared and filed affidavit in reply. It is stated in the affidavit in reply that there were three chargesheets issued to the petitioner being chargesheets dated 29th August 2003, another also dated 29th August 2003 and third dated 20th September, 1999. In the reply, it is further stated that leave encashment of the petitioner has been released. She has also been paid her GPF amounts. She is getting provisional pension of Rs.10,606/- per month. In the reply affidavit, it is stated that upon completion of two years from retirement, steps have been taken to release portion of her gratuity. It is stated that the

same has since been released to the permissible extent.

4. It can thus be sen that on account of the pending departmental inquiry, the petitioner's pension is not finalised. Perhaps the portion of her gratuity has been withheld by the Government as per the rules though major portion of gratuity is said to have been released. Be that as it may, the respondents have the responsibility to conclude the departmental inquiries expeditiously particularly in case of a retired employee whose pension finalisation is withheld on account of such inquiries. Nearly three years have been passed since the petitioner has retired from service. None of the inquiries which was pending when the petitioner has been concluded. Learned AGP Ms.Chandarana submitted that in one out of the three pending inquiries, the Government is on the verge of concluding the same. However, it is not in dispute that with respect to remaining two inquiries, no substantial progress has been made.

5. Considering all the aspects of the matter, this petition is disposed of by directing the respondents to conclude all three pending inquiries against the petitioner within a period of six months from the date of receipt of a copy of this order. With these

directions, the petition is disposed of. Rule is made absolute to the above extent with no order as to costs.

Direct service.

(Akil Kureshi, J.)

(vjn)